

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ILLINOIS**

DAVID HARBISON,

Plaintiff,

V.

JERRY MCELROY,

Defendant.

No. 14-cv-194 JPG/PMF

MEMORANDUM AND ORDER

This matter comes before the Court on the stipulation (Doc. 16), which the Court construes as a motion to dismiss. Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case signed by all the parties. The defendant having no objections, the Court hereby **GRANTS** the motion to dismiss with prejudice and **DIRECTS** the Clerk of Court to close this case.

DATED: April 2, 2015

s/ J. Phil Gilbert
UNITED STATES DISTRICT JUDGE